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CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 0524-0154 7991 10/743,572 12/22/2003 Masao Umemoto **EXAMINER** 7590 06/16/2005 GREEN, ANTHONY J COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER, LTD. PAPER NUMBER ART UNIT

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER, LTD.
Suite 2850
200 West Adams St.
Chicago, IL 60606

1755
DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    10743,572		•	
Examinor		Application No.	Applicant(s)
Anthony J. Green  The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edutations of time may be available under the provision of 3 CFR 1.13(a). In no event, however, may a reply be timely filed the 150 k(b) MONTHS from the mailing date of this communication.  Edutations of time may be available under the provision of 3 CFR 1.13(a). In no event, however, may a reply be timely filed the 150 k(b) MONTHS from the mailing date of this communication.  I No period for reply is specified used the three horselones are interested by the Office lades the three horselones.  I No period for reply is application the sol or extended princip for reply will, by attaints, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply receive by the Office lader than three mortises that the mailing date of this communication.  Failure to reply within the sol or extended princip for reply will, by attaints, cause the application to become ARANDONED (35 U.S.C. § 133).  Any reply receive by the Office later than three mortises that the mailing date of this communication, even if timely filed, may reduce any extended that the communication is not provided in the mailing date of the communication, even if timely filed, may reduce any extended that the communication is no condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quay/e, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s)1.14 is/are pending in the application.  4a) Of the above claim(s)is/are allowed.  5b) Claim(s)is/are allowed.  6b) Claim(s)is/are rejected.  7) Claim(s)is/are allowed.  8) Claim(s)is/are rejected to by the Examiner.  10) The drawing(s) filed onis/are: a)accepted or b)objected to by the Examiner.  Application Papers  9) The specification is objected	Office Action Summary	10/743,572	UMEMOTO, MASAO
The MALLING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION.  Estanions of time may be available under the provisions of 30 FPR 1.136(a). In no event, however, may a reply be timely filed after 50k (c) MONTHS from the mailing date of this communication.  Estanions of time may be available under the provisions of 30 FPR 1.136(a). In no event, however, may a reply be timely filed and the 50k (c) MONTHS from the mailing date of this communication.  If No pard for reply is specified above, the maximum statlety privately within the statlety minimum of thisty (30) days will be considered timely.  If No pard for reply is specified above, the maximum statlety privately within the statlety in the mailing date of this communication.  Failure to reply within the set or extended period for reply with, by statution, cause the application to become ABANDONED (35 U.S.C.§ 133). Any reply received by the Office state than these amongs after the mailing date of this communication.  File the provided transport of the communication of the provided transport of the provided transport of the communication.  Provided the provided transport of the provided transport of the provided transport of the communication.  The Responsive to communication(s) filed on		Examiner	. Art Unit
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Status   1   Responsive to communication(s) filed on   2a   This action is FINAL.   2b   This action is non-final.   3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.     Disposition of Claims   2   Disposition   2   Dispositi	THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a result of the period for reply is specified above, the maximum statutory perions for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the maximum.	N. 1.136(a). In no event, however, may a r reply within the statutory minimum of thir lod will apply and will expire SIX (6) MON tute, cause the application to become AE	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).
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	<sup>5</sup> See the attached detailed Office action for a li	ist of the certified copies not	received.
Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date	) Notice of References Cited (PTO-892)		

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152) 6) Other: \_\_\_\_.

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## **DETAILED ACTION**

## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to a cold storage agent, classified in class 252, subclass 70.
- II. Claims 10-14, drawn to a freezer which contains a cold preserving material, classified in class 62, subclass various.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in another and materially different process such as one not requiring a freezer. That is, the product can be used as a heat exchange material or heat storage material.
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Mark Murphy on 06/02/05(original call) & 06/13/05 (follow up call) to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J.

Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Anthony J. Green
Primary Examiner

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